

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


Applicant : Timothy Roderick Dalkeith Scott  
App. No : 10/526,713  
Filed : September 23, 2005  
For : Movement Facilitation Device  
Examiner : Kristen Clarette Matter  
Art Unit : 6975

CERTIFICATE OF EFS WEB  
TRANSMISSION

I hereby certify that this correspondence, and any other attachment noted on the automated Acknowledgement Receipt, is being transmitted from within the Pacific Time zone to the Commissioner for Patents via the EFS Web server on:

10/22/08

(Date)

  
Thomas R. Arno, Reg. No. 40,490

## AMENDMENT TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.312 and 1.48(b)

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Section 1 of this amendment is to delete the names of individuals who were originally properly named as inventors in the originally filed declaration, but whose invention is no longer being claimed in this application. Section 2 of this amendment is to add back the names of individuals who were originally properly named as inventors in the originally filed declaration, but were inadvertently deleted in a later filed amendment under 37 CFR 1.48(b).

**I. DELETION OF INVENTOR**

Please delete the following previously named individuals as inventor because their invention is no longer being claimed in this application:

**Geoffrey M. Spinks**

**Application No.:** 10/526,713  
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## **II. ADDITION OF INVENTOR**

Please add the following previously named individual as inventor because although they were an originally named inventor, they were inadvertently deleted in a request under 37 CFR 1.48(b) filed on July 16, 2008.

**Veronica A. Vare**

## **III. REMARKS**

On July 16, 2008, the undersigned filed a response to an Office Action which cancelled several pending claims. Cancellation of these claims resulted in the cancellation of the contribution to the claim set of three of the original six joint inventors, and the undersigned was informed by the Applicants that Geoffrey M. Spinks, Gordon G. Wallace, and Dezhi Zhou were no longer properly considered inventors of the claimed subject matter. However, because of an inadvertent error, the petition filed under 37 C.F.R. 1.48(b) by the undersigned with the July 16 response deleted inventors Veronica A. Vare, Gordon G. Wallace, and Dezhi Zhou. Thus, the petition filed on July 16 erroneously deleted Veronica A. Vare, whose invention continues to be claimed, rather than Geoffrey M. Spinks, whose invention is no longer claimed.

To correct this inadvertent error, Applicants hereby petition to have the current inventorship of record changed as defined above to the correct inventorship of:

Timothy Roderick Dalkeith Scott

Veronica A. Vare

Peter Pulya Abolfathi

This amendment replaces the currently incorrect name Geoffrey M. Spinks with the correct name Veronica A. Vare.

The original declaration includes the signatures of all six correct inventors, including Veronica A. Vare. Since it does not appear that any section of 37 CFR 1.48 is applicable to this

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situation, it would seem that no further statements or declarations signed by any inventors should be necessary.

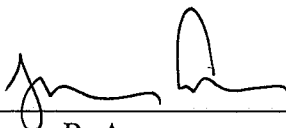
Since this situation may be covered in Section 201.03 of the M.P.E.P. wherein it is stated that petitions under 37 CFR 1.182 and 1.183 are appropriate in certain circumstances, such as when a change in inventorship involves no new individual, but merely involves replacement of an incorrectly given name, or for waiving a requirement for a declaration from an added inventor. Accordingly, a concurrent Petition under 37 CFR 1.182 and 1.183 (in the alternative) is also being filed. A copy of this Petition is attached.

This amendment is accompanied by the fee set forth in 37 C.F.R. § 1.17(i). Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/22/08

By:   
Thomas R. Arno  
Registration No. 40,490  
Attorney of Record  
Customer No. 20995  
(619) 235-8550

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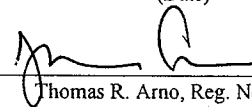
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Thomas R. Arno, Reg. No. 40,490

PETITION UNDER 37 CFR 1.182 TO AMEND INVENTORSHIP OR IN THE  
ALTERNATIVE A PETITION UNDER 37 CFR 1.183 TO WAIVE THE REQUIREMENT  
FOR A STATEMENT REQUIRED UNDER 37 CFR 1.48(a)(2) OR 1.48(c)(2)

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On July 16, 2008, the undersigned filed a response to an Office Action which cancelled several pending claims. Cancellation of these claims resulted in the cancellation of the contribution to the claim set of three of the original six joint inventors, and the undersigned was informed by the Applicants that Geoffrey M. Spinks, Gordon G. Wallace, and Dezhi Zhou were no longer properly considered inventors of the claimed subject matter. However, because of an inadvertent error, the petition filed under 37 C.F.R. 1.48(b) by the undersigned with the July 16 response deleted inventors Veronica A. Vare, Gordon G. Wallace, and Dezhi Zhou. Thus, the petition filed on July 16 erroneously deleted Veronica A. Vare, whose invention continues to be claimed, rather than Geoffrey M. Spinks, whose invention is no longer claimed.

To correct this inadvertent error, Applicants hereby petition to have the current inventorship of record changed to the correct inventorship of:

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Timothy Roderick Dalkeith Scott

Veronica A. Vare

Peter Pulya Abolfathi

This amendment replaces the currently incorrect name Geoffrey M. Spinks with the correct name Veronica A. Vare.

The original declaration includes the signatures of all six correct inventors, including Veronica A. Vare. Since it does not appear that any section of 37 CFR 1.48 is applicable to this situation, it would seem that no further statements or declarations signed by any inventors should be necessary. Instead, this situation appears to be covered in Section 201.03 of the M.P.E.P. wherein it is stated that no request under 1.48 is required if a change in inventorship involves no new individual, but merely involves replacement of an incorrectly given name. In this situation, the M.P.E.P. instructs the filing of a Petition under 37 C.F.R. 1.182.

If a Petition under 37 CFR 1.182 is not the correct route to making this amendment, please consider this a Petition under 37 CFR 1.183 to waive any requirement for a statement from Veronica A. Vare that could be considered necessary as an added inventor under 37 CFR 1.48(a)(2) or 1.48(c)(2).

Although it does not appear that any section of 37 CFR 1.48 is applicable to this situation, a concurrent request under 37 CFR 1.312 and 1.48 is also being filed. A copy of this request is attached.

**Application No.:** 10/526713  
**Filing Date:** September 23, 2005

The petition fee required under 35 CFR 1.17(f) is submitted herewith. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

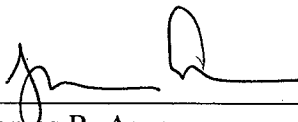
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

10/22/08

By: \_\_\_\_\_



Thomas R. Arno  
Registration No. 40,490  
Attorney of Record  
Customer No. 20995  
(619) 235-8550

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